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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,514	07/10/2000	Wade C. Klosterman	27553	9602

7590 04/09/2003
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EXAMINER

MISKA, VIT W

ART UNIT PAPER NUMBER

2841

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,514

Applicant(s)

KLOSTERMAN, WADE C.

Examiner

Vit W. Miska

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 0203.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. In view of the Appeal Brief filed on 1/21/2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by the new patent cited to Walters et al. The reference discloses (in the order claimed): a timing device for timing discrete periods of time including timer 113 operable to measure periods of time without reference to actual time of day, the periods of time being the "SNOOZE" time periods shown in the diagram of Fig. 4 incremented in discrete multiples of minutes, input device 76 for adjusting the length of the period of time, controller 112 to provide feedbacks signals as shown by the lines emanating therefrom in Fig. 5, relating to operation and mode of the timer (see col.11, lines 47ff) and to produce an alarm signal (col. 4, line 54), loudspeaker 34, voice chip 110 operable with the speaker and controller to convert the feedback signals to human speech, input device 76 being a button (claims 3 and 8), memory 126 for recording and storing messages for future playback (claim 6), and microphone 32 (claim 11).

3. Claims 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson. The reference discloses a timing device (up-down counter and inputs in Fig. 1) for timing discrete periods of time without reference to time of day, the length being settable to multiples of 30 minutes (col. 3, line 57), input device 10 for setting the period of time, measurement of the period of time being initiated automatically following setting of the timer (col. 4, lines 1-21), controller being gate 12 and the latch providing feedback signals relating to operation of the timer(i.e. when the timer is operating the feedback signals actuate the transducer to produce audible "clicks", see col. 4, line 54) , the alarm signal being the zero detect signal from the up-down counter fed to the tone

oscillator (see col. 4, lines 44ff), and speaker referred to as "crystal audio transducer" in col. 4, line 51 for communicating the feedback and alarm signals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al in view of Komiyama. The latter reference teaches provision of earphones 52 in a timekeeping device. One of ordinary skilled in the art having both references would have a suggestion of providing such earphones in the device of Walters et al as an alternative or additional means for discrete audio announcements. The use of earphones in combination with a speaker in electronic audio devices is further taken Official notice of as being routine, for example in radios, cassettes, etc. for providing choice of audio output. The speaker and earphones generally are connected in an alternative manner. One skilled in the art would thus have additional motivation to provide earphones in the Walters et al device.

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5. Claims 4, 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al in view of Kutosky. A snooze circuit is disclosed in Kutosky and

includes a timer adjustable in increments of five minutes. The patentee suggests at col. 1, line 5 that an increment of time other than five minutes may be selected. One of ordinary skill in the art having both references thus would have a suggestion that the snooze increment in Walters et al may be chosen to adapt to the user's need, e.g. fifteen minutes or one hour.

6. Claims 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson. The half hour discrete time units by which the timer is incremented is clearly only exemplary (see col. 2, line 44). One of ordinary skill in the art would select a time period appropriate for the specific use of the device.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Walters et al and Komiyama. Robertson has been correlated with applicant's claimed elements in par. 3 above. The fifteen minute discrete time unit claimed has been noted above as being an obvious modification of the 30 minute period set forth in the reference. Robertson further lacks a memory for storing messages for future playback. In view of Walters et al, one of ordinary skill in the art would have a suggestion of providing such a memory in the timer of Robertson as a means for additional announcement capability for either messages or input switch confirmation.

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With respect to the earphone jack claimed, for reasons noted above, the use of such an earphone and jack would be obvious to one skilled in the art in view of the suggestion

thereof in a timekeeping device of Komiyama and in view of the well known use of earphones and speakers in a variety of audio devices for providing alternative audio output choices for the user.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 703-308-3096. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

VM
April 4, 2003


Vit Miska
Primary Examiner


DAVID MARTIN
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